

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 29154		Date of mailing (day/month/year) 18 OCT 2005 FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/IL05/00155	International filing date (day/month/year) 08 February 2005 (08.02.2005)	Priority date (day/month/year) 12 February 2004 (12.02.2004)
International Patent Classification (IPC) or both national classification and IPC IPC(7): G01R 27/04 and US Cl.: 324/637, 639; 73/602		
Applicant NEXENSE LTD.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Date of completion of this opinion 02 September 2005 (02.09.2005)	Authorized officer <i>Vincent Q. Nguyen</i> Vincent Q. Nguyen Telephone No. (571) 272-2234
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Form PCT/ISA/237 (cover sheet) (April 2005)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IL05/00155

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IL05/00155

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>2, 5-10, 12, 15-20</u>	YES
	Claims <u>1, 3, 4, 11, 13, 14</u>	NO
Inventive step (IS)	Claims <u>5-10, 15-20</u>	YES
	Claims <u>2, 12</u>	NO
Industrial applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

1. Claims 1, 3, 4, 11, 13, 14 lack novelty under PCT Article 33(2) as being anticipated by Toth et al. (6,480,141).

Regarding claims 1, 3, 4, 11, 13, 14, Toth et al. discloses a method comprising (figure 1a) the step of transmitting a cyclically repeating energy wave through the material of said panel from a first location thereon to a second location thereon; measuring the transit time to detect said predetermined condition of the panel (col. 5, lines 17-21); and utilizing said measured transit time to detect said predetermined condition of the panel (col. 11, lines 25-37).

2. Claims 2, 12 lack an inventive step under PCT Article 33(3) as being obvious over Toth et al. (6,480,141) in view of Bath (6,244,743).

Regarding claims 2, 12, Toth does not disclose the condition to be detected is the temperature (The "or" reads on alternative mutual exclusive embodiments).

Bath discloses a system similar to that of Toth and further discloses the condition to be determined is temperature (Bath's col. 2, lines 22-27) for the purpose of simultaneously determines the temperature while analyzing the substance (Bath's col. 1, lines 29-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the condition to be determined is temperature as taught by Bath into the system of Toth because temperature is important parameter to determine the condition.